

## SUPREME COURT SITS

Opinions Handed Down in Open Session.

## TAX TITLE CASE DECIDED

Undeeded Townsite Property is Held Liable

## UNDER TERRITORY LAWS

Many Other Decisions Handed Down—District Court Assignments.

Guthrie, O. T., Feb. 18.—(Special)—The territorial supreme court met in open session this morning, handed down a number of opinions, assigned the terms of court for the different judicial districts, with the exception of the Fourth district and then adjourned sine die.

The most important of the opinions rendered is that in the suit brought to test the right of the territory to tax undeeded townsite lots. The opinion was prepared by Associate Justice Bierer and is concurred in by the court, Tarsney dissenting, and Keaton, the trial judge, not sitting in the case.

Action was brought by the Topeka Commercial Security company against the defendants, as heirs-at-law of Samuel McPherson, deceased, to recover lot 23, block 12, in Oklahoma city, plaintiff alleging title under a tax deed. The right to tax the property being disputed, the board of county commissioners of Oklahoma county was made defendant. Judgment was awarded Mrs. J. P. McPherson and the other heirs, quieting their title and declaring the tax deed void, and in favor of the security company for taxes paid, with interest. From this judgment the plaintiffs appealed. In its syllabus the court says:

"The law of this territory which provides for the taxation of lots not deeded, which is held to designate that species of property which an occupant of a lot upon a government townsite in this territory has in the lot and its improvements, after entry of the land at the government land office, and its segregation from the public domain, is not in violation of the fifth amendment of the constitution of the United States, and such property is subject to taxation under the territorial law, and the holder of a valid tax deed, transferring to him the property in judgment of delinquent taxes levied upon such lot, holds title paramount to that granted the heirs of the occupant whose property has been sold and conveyed for taxes."

The list of opinions rendered by the court and cases still remaining on the docket undispensed of is as follows:

### OPINIONS BY DALE.

Cox vs. Territory, appeal from Beaver county, affirmed.

Black vs. Jackson, appeal from Kay county, affirmed.

Potts vs. Hollon, appeal from Kay county, affirmed.

Wilkins vs. Biedler, appeal from Oklahoma county, affirmed.

Quick vs. Collier, appeal from Oklahoma county, affirmed.

Weekes vs. Merkle, appeal from Cleveland county, affirmed.

### OPINIONS BY TARSNEY.

The Symms Grocer Co. vs. Burnham, Hama, Munger & Co., appeal from Oklahoma county, affirmed.

Olson vs. Thompson, appeal from Canadian county, affirmed on rehearing.

Johnson vs. Hays, appeal from Garfield county, reversed.

Brink vs. Boyless, appeal from Kay county, affirmed.

Guthrie National bank vs. Gill, appeal from Logan county, reversed.

Sweet vs. Boyd, appeal from Greer county, reversed.

### OPINIONS BY KEATON.

Gilbert vs. Stephens, appeal from Canadian county, reversed.

A. and M. College vs. Willis & Bradford, appeal from Payne county, reversed.

Reynolds vs. Grimes, appeal from Woodward county, affirmed.

Bolcher vs. Whitlock, appeal from Canadian county, affirmed.

A. O. E. W. Lodge cases, appeal from Payne county, affirmed.

Hutchinson vs. Cannon, appeal from Canadian county, affirmed.

### OPINIONS BY BIERER.

Dunn vs. Drummond, appeal from Garfield county, order of review reinstated.

Blanchard vs. United States, appeal from Oklahoma county, dismissed.

Harvey vs. Logan county, appeal from Logan county, affirmed.

Swaps vs. Burnham, Hama, Munger & Co., appeal from Payne county, affirmed.

Joy vs. Zelesness, appeal from Logan county, affirmed.

Collins vs. Overton, appeal from Greer county, dismissed.

Frisk vs. Reynolds, appeal from Oklahoma county, reversed.

Topeka Commercial company vs. McPherson, appeal from Oklahoma county, reversed.

### UNDISPOSED OF.

The following cases remain on the supreme court docket undisposed of:

Lee vs. United States.

Goodrich vs. Williamson.

Hawkins vs. Overstreet.

Reeves vs. Territory.

Williamson vs. Oklahoma National Bank.

Marlman vs. Knight.

Smith vs. Phillips.

County Commissioners of Greer county vs. Watson.

Dix vs. Smith.

Wishman vs. Becker.

Parker vs. Lynch.

Beall vs. Mutual Life Insurance Co.

Stollard vs. Wycoff.

Gart vs. Love & Wood.

Chicago Rock Island and Pacific Railway vs. Groves & Ballinger.

Alchison, Topeka and Santa Fe Railway Co. vs. Eklberry.

Topeka Paper company vs. Oklahoma Publishing Co.

J. J. Douglas Co. vs. Sparks.

Choctaw Railroad company vs. Alexander.

Mitchell vs. Territory.

City of Guthrie vs. Shaffer.

McClure vs. Johnson.

Stark vs. Duval.

Stark vs. Enslaw.

DISTRICT COURT ASSIGNMENTS.

Following are the district court assignments:

First judicial district, Burford, judge—Guthrie, Logan county, third Monday in February; Chandler, Lincoln county, third Tuesday in April.

Stillwater, Payne county, first Tuesday in May.

Woodward, Woodward county, fourth Tuesday in May.

Second judicial district, Tarsney, judge—Tulsa, D county, first Monday in March.

Arapahoe, Custer county, fourth Thursday in March.

El Reno, Canadian county, first Monday in April.

Third judicial district, Keaton, judge—Oklahoma city, Oklahoma county, third Monday in February.

Tecumseh, Pottawatomie county, fourth Monday in March.

Norman, Cleveland county, fourth Monday in April.

Mangum, Greer county, third Tuesday in May.

Fifth judicial district, McAtee, judge—Enid, Garfield county, third Monday in February.

Kingsfisher, Kingsfisher county, second Monday in March.

Pond Creek, Grant county, fourth Monday in April.

Alva, Woods county, third Monday in May.

No court term assignments were made for the Fourth judicial district.

## HARN FOR DISTRICT CLERK

Mark Hanna is Credited With His Appointment.

Guthrie, O. T., Feb. 18.—(Special)—A Washington special to the Daily Leader says:

"Judge Hainer today announced that he had decided to appoint W. F. Harn, of Oklahoma city, to be clerk of the federal court in the Perry district. Harn's appointment created a great deal of surprise as it has been understood that F. E. Hume, of Perry, who is here associated with Webster Davis at the interior department, had, through Davis' influence, been selected for the place. Hume's appointment was decided upon, and he would have been named had not Mark Hanna taken a hand in the contest. Harn was a candidate for mayor of Oklahoma, but was turned down for C. H. Thompson. When Thompson was appointed Hanna was promised to get Harn a place, and his appointment to be clerk of the federal court is the result of this arrangement."

Hume's friends here are feeling a great deal of chagrin over Harn's selection, and there are intimations of political treachery. When the correspondent interviewed Hume he stated that he was still a candidate for one of the federal court clerkships, and that he expected to be appointed.

The understanding among Oklahoma politicians in Washington now is that Judge Tarsney, of the Kingsfisher district, whose term will expire on next Saturday, will be permitted to serve probably until 1899. He is a gold Democrat, and there is apparently no disposition on the part of the Republican leaders to remove him, as he has made an exceptionally capable officer.

## BANQUET AT KINGFISHER

In Celebration of the Achievements of Kingfisher College.

Kingsfisher, O. T., Feb. 18.—(Special)—The Kingfisher college banquet, held at the Hotel Kingfisher, was a grand affair. Fully 100 guests partook of the festivities. All the speeches in reply to the toasts were eloquent and to the point and were received with great applause.

Rev. J. H. Parker, pastor of the Congregational church, offered prayer. Hon. J. C. Smith, cashier of the People's bank, was toastmaster. He opened the exercises of the evening with a brief address and then introduced the Hon. Amos A. Ewing, who spoke on "Kingsfisher," after which the following toasts were rendered:

"Friends at Home," Judge J. C. Roberts;

"The Mighty Dollar," J. P. Brough, Esq.;

"Our School," Miss Minnie Davis;

"Progress of Education in Oklahoma," Rev. J. H. Parker;

"Educational Needs of Oklahoma," Rev. B. B. Foster;

"The Woman's Mission," Mrs. J. V. Admire;

"From a Business Point of View," Hon. Wm. Grimes;

"The Duty of the Hour," Hon. F. L. Boynton.

Hon. W. W. Noffsinger, county attorney of Kingsfisher county, was substituted for Mr. Boynton, who was absent, and responded to the toast, "The Duty of the Hour."

Instead of Judge Roberts, who was also absent, Mr. M. T. Betton of Kansas City, Mo., state agent for Kansas and Oklahoma of the Odd Fellows Fraternal Benefit association, by request, read a quaint and appropriate bit of dialect rhyme. Mr. Betton gave also a recitation from one of James Whitcomb Riley's prose stories.

The program came, listened, talked, college, thought, college, and went to their respective homes, more conversant with its value and their responsibility for its long life than ever before.

Vocal and instrumental music was furnished by the college Glee club.

## ON THE MIDDLE DIVISION

Sale to Satisfy the Government's Lien is Effected.

Topeka, Kan., Feb. 18.—A special to the Capital from Salina says:

"The government lien on the middle division of the Kansas Pacific railroad in Kansas was sold in this city this morning. The road was bought by Alvin W. Kreech and Winslow S. Pierce, representing the reorganization committee, for \$300,000. There was no competition at the sale. Mr. Kreech was the only bidder. W. D. Cornish acted as auctioneer."

## OKLAHOMA CONSTRUCTION COMPANY

Guthrie, O. T., Feb. 18.—(Special)—Secretary Jenkins today issued articles of incorporation to the Oklahoma Construction company, of Blackwell, O. T. The purpose of the company is to construct railroads, electric light and gas plants, water works, telegraph and telephone lines, build elevators, etc. The capital stock is \$100,000 and the board of directors is composed of J. L. White, W. P. Hardwick, Ed. L. Peckham, Chas. J. Peckham, all of Blackwell, and D. E. Trim of Guthrie.

Miss Ethel Kendal, daughter of Mr. and Mrs. Kendal, the well known English actress, has come to New York to go upon the stage. She will probably appear shortly at Proctor's Pleasure Palace.

## LONG DENIES RUMORS

Secretary of the Navy Admits Nothing Warlike.

## PUBLICITY IS THE POLICY

Department is Giving Out all Its Dispatches.

Washington, Feb. 18.—The feature of the day at the navy department was the large number of rumors of a warlike tendency that came to the attention of the officials as requiring attention, and, in every case, contradiction. So formidable had grown the list that at the close of office hours Secretary Long was induced to make the following statement as the easiest manner of disposing at one time of all these stories.

"Really no information has been received, since Captain Sigbee's first dispatch, adding anything to our knowledge of the disaster. All we know is that the Maine blew up. There is abundant room for speculation of all sorts, but no conclusion can be arrived at until an examination has been made by the divers and more facts obtained. It is a simple matter to say that such a thing might happen by design or it might happen by accident. As yet there is no indication of design. Therefore, my impression has been all along, and I rather think the general opinion preponderates in the same direction, that it must have been accidental."

"At the cabinet meeting today the matter was not discussed, except as any body of me talk about an event of that kind, and most of the talk related to the terrible loss of life and to expressions of sympathy for the sufferers."

"It certainly was a very kind thought in the president to send flowers to the families of Captain Sigbee, of the executive officer, Wainwright, and of the lost seamen whose residences are in Washington."

"You may say absolutely that there has been no secret cabinet meeting; that no meeting has taken place in the cabinet that the public have not been informed about; that the whole policy of the department has been to give the public all the dispatches; that the department has no more knowledge on the subject of the cause of the disaster, or even of the circumstances attending it, than have the public; and that the report which was to the effect that Captain Sigbee had warned the department that the Maine was in danger from submarine mines or torpedoes is utterly without foundation, no such report ever having been received from him or from anybody else."

## "WILD RUMORS" DENIED.

The secretary also denied briefly and comprehensively wild rumors that he had requested the chief of police of New York to guard the Vizcaya and that he had selected Constructor Bowles to go to Havana and raise the Maine. The last work of the day for him was to consult the representatives of the wrecking companies, who will probably have charge of this work and endeavor to arrange for both of them to work together, so as to secure the use of each peculiar plant and to save time.

## ALL CONFIDENCE IN SIGBEE.

The secretary, when asked what was the department's estimate of the conduct of Captain Sigbee in the trying situation in which he had been placed, replied:

"I think I express the feeling of the president, as well as my own, when I say that Captain Sigbee has conducted himself as an officer of our country should. He was the last to leave his ship when he went down. His dispatch to me that night was so complete that, since then, I have thought of no question of fact to ask him which is essential to the situation which he could answer that is not covered by that dispatch. His tone, too, is that of a discreet and level-headed man who realized the impression any word from him at that time would have on the public mind. Nothing is harder than for a naval officer to lose his ship, so that I have great sympathy for him, so that I have great confidence further reports."

## INQUIRIES FOR FRIENDS.

During the day the department was in receipt of a number of telegrams from different parts of the country asking in behalf of relatives of the dead sailors that their remains be brought back to the United States for interment. Among them were queries from the friends of two officers, Merritt and Jenkins. The department forwarded these to Captain Sigbee, whose answer was that the officers' bodies have not been found; that as to many others identification is not possible, and throwing great doubt upon the practicability of taking any of the remains away from Havana.

## SPAIN WANTS TO HELP.

While no decision has yet been reached formally upon the application of the Spanish government for authority to examine the wreck of the Maine to ascertain the cause of the explosion, the officials seem inclined to regard her request as one that could not properly be refused, and it is likely that each government will make an investigation of this character concurrently.

## THE MODEL OF THE MAINE.

The miniature United States flag on the model of the battleship Maine, in the main corridor of the navy department, was lowered to half-mast during the day by direction of the secretary of the navy.

The handsome model has been a center of interest for the throngs at the department within recent days, and the several flags have continued to fly at the mastheads in apparent irony of the actual condition of the Maine. A movement was started today to drape the model in mourning, after the manner of the model of the British ship Victoria was draped at the World's fair. Secretary Long did not approve of this, however, as it suggested an ostentatious display of the circumstances. But he gave his assent to lowering the miniature colors, and accordingly the stars and stripes flying from the stern of the Maine's miniature counterpart were lowered.

## WHAT A MAIMED SAILOR SAW

Something That Might Have Been a Torpedo Just Before the Wreck.

New York, Feb. 18.—The Herald this morning printed the following from its Key West correspondent:

"I learn on undoubted authority that one of the maimed sailors who was taken to the marine hospital, out of gratitude for the kind treatment and careful nursing received from the surgeons and attendants, had broken the seal of silence enjoined by his superior officers before leaving Havana and makes a statement the truth of which cannot be doubted and which points to the deliberate destruction of the vessel. The sailor, whose name for obvious reasons is withheld for the present, says he was on watch on the forward deck shortly before the explosion occurred. While looking over the Maine's bow into the dark waters of the bay he saw a black object slowly coming toward the vessel. The object, whatever it was, was apparently illuminated and emitted smoke."

He suspected something wrong and started to communicate the fact to the officer of the day when the explosion took place.

The Maine was raised in the air and he was thrown to the deck stunned and bleeding.

He also says that simultaneously with the Maine he saw the steam launch which was moored alongside the Maine, thrown out of the water.

This occurred before the second explosion in the Maine's magazine was felt, and which sent her to the bottom.

Key West, Fla., Feb. 18.—Records the story that a maimed sailor, who was on the Maine, saw a black object emitting smoke approaching the warship just before the explosion, the correspondent of the Associated Press has interviewed the man in the hospital who is said to have circulated the report and has had from him an absolute denial.

Lieutenant Blandin, officer of the deck at the time of the explosion, and Lieutenant Hobb, who was with him, both positively deny that such a story could have any foundation unless it was the smoke of the City of Washington that misled some one.

## THOSE WHO COUNSEL WAR

Let Spain be Found Guilty and Then Thoroughly Punished.

New York, Feb. 18.—The Rev. Minot J. Sage, of the Church of the Messiah, responding to a toast at the banquet of the Pulp and Paper Manufacturers last night, said:

"As one thinks of the sad disaster that has befallen the Maine in the harbor of Havana, he can but wonder at the patience of the people of the United States. We have been thrilled and stirred by the massacre of the Armenians and one here at our door has been worse, but we have had patience. I do not advocate war and I would like to see the day when all affairs could be settled by arbitration, but the limits of patience and humanity may come."

## VIZCAYA HAS ARRIVED

Will be Escorted to Anchorage This Morning.

## STRONG POLICE PATROL

To Keep Watch in Her Vicinity Day and Night.

New York, Feb. 18.—The Spanish armored cruiser Vizcaya is in New York waters. She dropped her big anchors five miles south of Sandy Hook lightship at 2:30 p. m., after a thirteen days' voyage from the Canary islands. When her officers and men learned the startling news of the disaster to the American battleship Maine in Havana harbor, and of the downfall of former Minister De Lome, they broke into a wild uproar of talk. For a couple of minutes all discipline on the great warship seemed to vanish to the winds. Men rushed below to tell their comrades in the lower decks. Early tomorrow morning the Vizcaya will come up to the anchorage selected for her in the upper bay.

New York, Feb. 18.—Rear Admiral Bunce has given final instructions to Lieutenant John A. Dougherty, who will have charge of the patrol tug, six in number, to guard the Spanish cruiser Vizcaya during her stay in this vicinity. Lieutenant Dougherty will make his headquarters on the navy yard tug Nina, and the other tug from the navy yard, the Marietta, will be used principally as a dispatch boat, carrying messages between the navy yard and the guard boat.

Lieutenant Dougherty will have entire charge of the patrol, which will consist, besides the two tugs mentioned, of two tugs of the supervisor of the harbor and two police patrol boats. The watches will be divided between the six boats, two to be on duty on each turn. Each boat is to have on board while on watch, four marines and one non-commissioned officer of marines, a roundsman and four policemen of the Metropolitan police.

While on duty the boats are to patrol carefully the waters in the vicinity of the visiting Spaniard, and no boat or person will be allowed to approach the Vizcaya without the sanction of the commanding officer of that vessel.

The Nina will be always within call of the other boats.

As soon as the Vizcaya drops anchor in the upper bay, or in the North river, Lieutenant Dougherty, in full uniform, and representing Rear Admiral Bunce, commander of the navy yard, New York, will board the cruiser and convey the usual courtesies extended foreign vessels of war entering an American port, and will also explain what the patrol is there for.

Lieutenant Dougherty has had the three banks in his boat for tonight, and early in the morning will take her to Pier A, North river, for the police escort.

Lieutenant Neville, of the marine corps, will be in charge of the thirty-six marines who will be quartered on board the Nina. At night it is intended to keep the Vizcaya brightly illuminated with electric lights, and the watch boats will be also lighted, so that there can be no possible means of approaching the vessel without detection.

It was stated tonight that the Vizcaya would come up the bay early tomorrow morning. In passing up the bay she will be saluted by Fort Hamilton and Wadsworth. She will steam to a point off Tompkinsville, where she will drop anchor. This, it is said, was considered the best place for the boat to anchor, as she will be free from encroachments of small boats there than elsewhere.

Captain Smith was informed by Admiral Bunce at 8 o'clock tonight that the Spanish had anchored off Sandy Hook and that at sunrise tomorrow morning the fleet of government and police patrol boats would steam down the bay to escort her to her anchorage.

Applications for leave to accompany the fleet down the bay on the patrol have been refused all persons except newspaper men.

Two Pinkerton detectives who claimed they had come from the Spanish consulate, one of them whom spoke Spanish fluently, presented letters of introduction to Captain Smith and asked permission to go down with the fleet. They were referred to Chief McCullagh, who afterwards telephoned that he had given them permission to go down.

The men said they had business with persons aboard the Vizcaya, but neither they nor any one at the office of Consul Balzano would say what their mission was.

## CONCENTRADOES REFUSED

Wanted to Carry the Coffins But Lee Wouldn't Let Them.

Havana, Feb. 18.—(Delayed in transmission)—Previous to the funeral of the victims of the Maine disaster, concentrated coffins were refused to carry the bodies of their relatives to the grave as proof of their gratitude to the Americans, but General Lee thanked them and said the bodies would be carried in the manner selected by the authorities.

In front of the Hialeah-G-6 school and Balcones avenues, about 40 concentrated coffins joined in the procession which had by that time been increased by some 5,000. The bodies were carried in the manner selected by the authorities.

In front of the Alhambra theatre, on Reina and Balcones avenues, about 40 concentrated coffins joined in the procession which had by that time been increased by some 5,000. The bodies were carried in the manner selected by the authorities.

The funeral ceremonies were presided over by Bishop Manuel Santander and Rev. Father Chadwick, chaplain of the Maine.

For many days, Con Passer Roberts, a fireman and McManus, a marine, are reported to have died at the hospital.

The divers yesterday evening picked up fourteen more bodies.

The divers are engaged only in recovering the bodies of the dead.

The men searching for bodies have recovered a number of relics, also, including a medical chest, records, a gold watch and chain marked "P. T. Bartlett, Wash. D. C.," and a pocket watch.

Washington, Feb. 18.—The navy department has compiled the following summary showing the total results of the Maine disaster from available official information up to midnight:

Total officers and men on board, 255; total officers, 25; total men, 230; total officers saved, 24; total men saved, 76; total officers lost, 1; total men lost, 248; total officers injured, 9; total men injured, 21; doubtful (men), 1.

The seven men appearing as doubtful probably represent that number or less whose lives have been saved but who cannot be identified at present on account of errors in the transmission of telegrams.

If it appearing as injured are included in the 24 appearing as saved.

Two men reported as having died in the hospital are included in the total of 24 appearing as having been lost.

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